

Tara Grill - Paralegal

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July 1, 2021

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 7/2/2021

Hon. Vernon S. Broderick - United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: MICHAEL PRINCE N NYC
SDNY DOCKET NO.:20-CV-1935(VSB)

Hon. District Judge Broderick,

I am counsel for the plaintiff in this matter.

FURTHER MOTION TO WITHDRAW

Further to the court's order of June 30, 2021, your affiant does seek leave to withdraw and advises the court of the following:

1. Movant does not seek a retaining or charging lien despite that significant investment of time and money have been expended in this matter.
2. Movant does believe there is "fundamental disagreement" and "irreconcilable conflict" present here. The fundamental disagreement is with respect to scheduling and prosecuting the case as follows:
 - (a) The first mediation which was scheduled had to be adjourned due to plaintiff's non-appearance without prior notice to movant and thus all counsel and the mediator appeared but could not move forward.
 - (b) This pattern was continued when plaintiff's deposition was scheduled for June 25, 2021, and despite being advised of the date for same plaintiff did not contact your affiant to confirm until after 7pm the night prior, therefore the proceeding could not move forward.

Plaintiff's counsel is directed to inform the Court on or before July 16, 2021, whether he believes any portion of his any portion of his motion should be redacted. All deadlines in this matter are stayed for thirty (30) days to allow for Plaintiff to seek new counsel. Plaintiff is responsible for placing his contact information on the docket. Defendants are directed to serve a copy of this Order on Plaintiff and file proof of service on the docket.

- (c) Thus, depositions of 4 officers, scheduled for July had to be canceled and could not move forward.
- (d) Finally, though this is an action pursuant to 42 USC section 1983 against NYC police officers for excessive force, plaintiff has expressed dissatisfaction with your affirmant as follows:
 - (i) Your affirmant has not proceeded against plaintiff's employer for lost wages. However this accident did not happen in the scope of work, worker's compensation is not applicable, and your affirmant was not retained to prosecute a wage claim against an employer, if such exists.
 - (ii) Plaintiff's medical providers are charging him for a surgery which his employer did not cover and for which he had no insurance. However, your affirmant was not advised of the surgery prior to it's being conducted, had no idea it was done or going to be done until after the fact, has no relationship with the doctor doing the surgery, and as such has nothing to do with such medical bills.
 - (iii) It has been explained several times to the plaintiff that causally related lost wages and medical costs are recoverable in the action pending and the claims have in fact been advanced. However this is unsatisfactory to plaintiff. These expectations present an irreconcilable conflict and fundamental disagreement between plaintiff and your affirmant.

3. Telephone discussion with Mr. Prince of June 26 in advance of the motion to withdraw, concerning same, and exactly what it meant, resulted in plaintiff advising that he understood and offering no opinion on the subject. What further thoughts he may have had on the subject were not communicated.

As previously noted, recent communications with the plaintiff have made it clear that there has been a significant erosion of the attorney-client relationship. These communications have at times been acrimonious. As such, your writer requests an order granting leave to withdraw as counsel for plaintiff, and staying the case for a period of time sufficient to allow plaintiff to locate counsel or proceed pro-se.

Sincerely,

The Law Offices of John P. Grill, PC

By: John P. Grill

CC:

GEORGINA PESTANA, ESQ.
Attn: Matthew McQueen, Esq.
By ECF

CC:
MICHAEL PRINCE - By Email and
Certified Mail RRR
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